



Civil Rights Division

JKT:EAM:maf
DJ 166-012-3
2006-3774
2006-4644

*Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530*

June 2, 2006

Misty S. Fairbanks, Esq.
Assistant Attorney General
11 South Union Street
Montgomery, Alabama 36130

Dear Ms. Fairbanks:

This refers to Act No. 2006-354, insofar as it extends the period between primary and primary runoff elections for federal, state, and county offices and amends the schedule and procedures regarding ballots cast by voters covered under the Uniformed and Overseas Citizens Absentee Voting Act; the decision to delay until after the 2006 primary election cycle the requirement that voters submit two applications to receive absentee ballots for both the primary and any primary runoff elections; the attendant publicity and notification regarding the changes in application procedures; and Secretary of State Emergency Rule 820-2-3-.01ER regarding application forms for absentee voting for the State of Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on April 13 and 27, 2006; supplemental information was received through May 26, 2006.

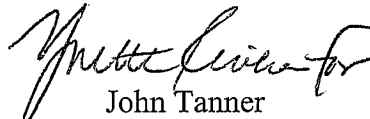
Your May 26, 2006, letter withdraws Secretary of State Emergency Rule 820-2-3-.01ER from Section 5 review. Accordingly, no determination by the Attorney General is required concerning this matter. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.25(a)).

The Attorney General does not interpose any objection to the remaining specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these changes if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See 28 C.F.R. 51.41 and 51.43.

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We note that Act No. 2006-354 includes voting provisions that apply to municipalities and that your April 13, 2006, letter specifically states that these voting changes will be submitted at a later date.

Sincerely,



John Tanner
Chief, Voting Section

cc: The Honorable Mark E. Fuller